

Department of Public Health  
and Human Services

Section:  
APPLICATION PROCESSING

FOOD STAMP PROGRAM

Subject:  
Civil Rights

**Supersedes:** FS102-1 (10/01/07)

**References:** 7 CFR 272.4, 7 CFR 272.5, 7 CFR 272.6

GENERAL RULE -- The United States Department of Agriculture (USDA) and the Montana Department of Public Health and Human Services (DPHHS) administers the Food Stamp Program in accordance with Federal law and are prohibited from discriminating against individuals based on age, race, color, sex, disability, religious creed, national origin, and/or political beliefs.

## **FILING A DISCRIMINATION COMPLAINT**

An individual may file a written or verbal complaint alleging discrimination when the individual believes he or she has been subject to discrimination based on race, color, national origin, age, sex, disability, political beliefs and/or religion.

The complaint is filed with:

Regional Director  
Civil Rights/EEO  
USDA/FNS  
1244 Speer Blvd, Ste 903  
Denver, CO 80204-3585  
(303) 844-0307

OR USDA, Director  
Office for Civil Rights  
1400 Independence Ave, S.W.  
Washington, D.C. 20250-9410  
(800) 795-3272 (Voice)  
(202) 720-6382 (TTY)

OR

Civil Rights Coordinator  
Human & Community Services  
DPHHS  
P.O. Box 202925  
Helena, MT 59620-2925  
(406) 444-7483 (Yvette)

## **COMPLAINT REQUIREMENTS**

Any individual wanting to file a discrimination complaint shall be advised immediately of their right to do so and shall be given the necessary information (listed below) to file the complaint. When an individual asks for assistance with the complaint filing process, DPHHS staff shall assist the individual.

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A complaint must be filed no later than 180 days from the date of the alleged discrimination. All complaints shall contain the following information:

1. The name, address and telephone number or other means of contacting the person filing the complaint;
2. The name and location of the organization or office accused of the discriminatory practice;
3. A description of the alleged discrimination incident;
4. The reason for the alleged discrimination (age, race, color, sex, disability, religious creed, national origin or political belief);
5. The names, titles (if appropriate) and addresses of individuals who may have knowledge of the alleged discriminatory acts; and,
6. The date(s) the alleged discriminatory action(s) happened.

**NOTE:** Individuals are not required to use any specific form to file a complaint as long as all the necessary information is present in the complaint. Form HCS-525 is available for the individual to use to file any civil rights complaint.

**OFFICE OF PUBLIC  
ASSISTANCE (OPA)  
RESPONSIBILITIES**

The OPA shall:

1. Inform individuals of their right to file a civil rights complaint with DPHHS or the Food and Nutrition Service (FNS) using materials provided by Human and Community Services Division or developed by the OPA;
2. Describe the process to each individual expressing an interest in filing a complaint;
3. Advise individuals of their right to file a complaint and any complaint filed with the State Office is forwarded to the appropriate Federal Office for investigation;
4. Document the complaint in writing if the individual makes verbal allegations and is reluctant to put it in writing;
5. Assure all complaints meet the requirements stated above and are forwarded within five days of receipt to the DPHHS Civil Rights Coordinator. The Civil Rights Coordinator makes copies and sends

to the Regional Director in Denver.

6. Respond to requests for information regarding nondiscrimination statutes and policies, complaint procedures, and rights of participating households within 10 days of the date of request;
7. Maintain a file of all discrimination and general complaints for review by federal and state reviewers;
8. Inform households and grassroots organizations of the Food Stamp Program and program changes;
9. Provide bilingual food stamp services in areas with a significant proportion of non-English or limited English speaking persons; and,
10. Train all staff involved administering the Food Stamp Program on an ongoing basis about civil rights requirements.

#### **STATE RESPONSIBILITIES**

The State Central Office shall:

1. Publicize the federal procedures for filing a complaint regarding discrimination;
2. Ensure all offices involved in determining eligibility or issuing food stamp benefits display nondiscrimination posters approved or provided by FNS;
3. Respond to requests for information regarding nondiscrimination statutes and policies, complaint procedures, and the rights of participants within 10 days of the date of the request;
4. Include a nondiscrimination statement on all program informational material;
5. Ensure all graphics for the Food Stamp Program information convey the message of equal opportunity by displaying participants of different races, colors, sexes and national origins;
6. Train all staff involved with administering the Food Stamp Program on an ongoing basis about civil rights requirements;
7. Acknowledge receipt of any civil rights complaints received within five days and advise the complainant of the action(s) planned with a carbon copy (cc) to the Office of Public Assistance (OPA);

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8. Refer all complaints to the FNS Regional Office for Civil Rights within five days of receipt; and,
9. Maintain a log of all complaints received including complainant's name, date of incident, date of complaint, and basis of complaint.

#### **RACIAL/ ETHNIC DATA COLLECTION**

DPHHS obtains data on food stamp recipients by racial/ethnic category. Applicants are requested to voluntarily provide their race or ethnicity on the Application Forms (HCS-250 and HCS-252). If an applicant chooses not to provide racial/ethnic information, the OPA Case Manager determines the racial/ethnic category by observation and enters the appropriate code on the TEAMS ETMT screen.

#### **FOR FURTHER INFORMATION ON CIVIL RIGHTS**

Attorney General's Guidelines for Enforcement of Title VI;

Civil Rights Act of 1964, 28 CFR Sec. 50.3;

Title 28, Judicial Administration, Ch. 1, Dept. of Justice (Order No. 670-76) Part 42;

7 CFR Subtitle A, Parts 15, 15a, and 15b;

Federal Register, June 12, 1979, Part III, Department of Health, Education, and Welfare;

USDA FNS Instruction 113-7;

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of physical or mental handicap;

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age;

The Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disabilities;

The Montana Human Rights Act generally prohibits discrimination based upon sex and marital status (among other grounds) in state operations; and,

The Montana Governmental Code of Fair Practices generally prohibits discrimination based upon political beliefs in state operations.

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